

PATENT
Docket No.325772009100RECEIVED
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Kenji MASAKI
Serial No.: 09/287,530
Filing Date: April 7, 1999
For: DIGITAL IMAGE PROCESSING
APPARATUS

Examiner: B. Choobin
Group Art Unit: 2625

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8/17/04

COMMUNICATION REGARDING APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On April 20, 2004, applicant filed a response to the final Office Action of February 6, 2004. As of this date, the Examiner has yet to act on this response formally. In response to a telephone inquiry the Examiner advised a member of the office of the undersigned attorney that he had taken the application up and was issuing a further, non-final Action.

The final deadline for filing a Notice of Appeal in this application is August 6, 2004. In reliance upon the Examiner's express representation that he is withdrawing the finality of the pending Action and is issuing a further, non-final Action, applicants have decided to await the issuance of the new Action and not to waste the three-month Extension of Time fee and Notice of Appeal fee that would otherwise be required to keep this application pending. Since applicants fully responded to the pending Action in a manner that has obviated the rejections of record, applicants believe this action is justified.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge

va-74828

the cost of such petitions and/or other fees due in connection with the filing of this document to
Deposit Account No. 03-1952 referencing docket no. 325772009100.

Dated: August 3, 2004

Respectfully submitted,

By:


Barry E. Bretschneider
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OFFICIAL**FAX TRANSMISSION****DATE:** August 3, 2004**PTO IDENTIFIER:** Application Number 09/287,530
Patent Number**Inventor:** Kenji MASAKI**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** MORRISON & FOERSTER LLP

Barry Bretschneider

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Attorney Dkt. #: 325772009100

PAGES (Including Cover Sheet): 3**CONTENTS:** COMMUNICATION REGARDING APPEAL

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